TO:

FROM:

GIBSON, DUNN & CRUTCHER LLP

A Registered Limited Liability Partnership Including Professional Corporations 1801 California Street Suito 4100 Denver, Colorado 80202

Mr./Ms.:

Company:

City, State:

Facsimile No.:

Main Telephone:

Stanley J. Gradisar

Our File Number:

TELEPHONE: (303) 298-5906 FACSIMILE: (303) 296-5310

## FACSIMILE TRANSMISSION INFORMATION

USPTO

December 20, 2001 Direct Dial: (303) 298-5786

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER:

C 50449-00002

703/746-3240

If you do not receive all the pages transmitted, please contact the facsimile operator immediately at telephone number (303) 298-5906.

Room: DE-4261

Fax Operator:

The written message is for the exclusive use of the addressec and contains confidential, privileged and non-disclosable information. If the recipient of this message is not the addressee, or a person responsible for delivering the message to the addressee, such recipient is prohibited from reading or using this message in any way. If you have received this message by mistake, please call us immediately

SPECIAL INSTRUCTIONS/MESSAGE:

and destroy the facsimile message.

**FAX RECEIVED** DEC 2 0 2001 PETITIONS OFFICE



#2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Strickholm et al.

Attorney Docket No.: 50449-00002

Serial No.:

10/004,384

Group Art Unit: Unknown

Filed:

10/31/2001

Examiner:

Unknown

Title.

System And Method For

Communication Within A Community

Assistant Commissioner for Patents Box Filing Date Washington, D.C. 20231 CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8
I hereby certify that this is being facsimile transmitted to the United States
Patent and Trademark office at (703) 746-3240

on: \_\_December 20, 2001

By: Ocan. A. Durns
Namo: Jean A. Burns

## PETITION TO ACCORD A FILING DATE TO PATENT APPLICATION

Assistant Commissioner for Patents Washington, D.C. 20231

**FAX RECEIVED** 

DEC 2 0 2001

Dear Sir:

**PETITIONS OFFICE** 

As attorney for applicants in the above captioned matter, I am requesting that the patent application in question be accorded a filing date of October 31, 2001. Attorneys for applicant officially became aware of a problem when the USPS never returned a copy of the express mail label to attorney for applicants. An online inquiry at usps.com on 11/21/01 indicated that the express mail package, #EF39 7474 852US arrived at the Denver, Colorado 80249 processing center at 8:02 pm on October 31, 2001 (a copy of the web page returned from this inquiry is attached). Several telephone calls to the USPS revealed no further helpful information.

Attorney for applicants received its return postcard from the USPTO included with the filing documents on December 17, 2001, indicating a filing date of December 6, 2001, six weeks later than the actual date in (a copy of the return postcard is attached). A second online inquiry at usps.com on 12/17/01 indicated that the filing documents arrived as 4:46 pm on December 01, 2001 in Suitland, Maryland 20746, and again indicating that the filing documents were enroute on October 31, 2001 at 8:02 pm (a copy of the web page returned from this inquiry is attached).

Attorney for applicants are at a loss as to how to explain the delay in delivery. Mail disruption surrounding the events of September 11, 2001 may have affected the delivery of the filing documents to the USPTO. However, on October 31, 2001, there were no special instructions in effect to alert attorney for applicants that special or different provisions should be



made. In fact, on October 26, 2001, notice was placed on the USPTO website that the United States Postal Service Interruptions and Emergency had been terminated (a copy of the web page with the notice is enclosed). Thus, attorney for applicants had every reason to rely upon the USPS express mail service to affect a filing date of October 31, 2001, the date in that #EF39 7474 \$52US was placed in the care of the USPS.

Also in support of this petition, please see the statement of Jean A. Burns, Intellectual Property Assistant for Gibson, Dunn & Crutcher LLP (attached)

Respectfully submitted,

Gibson, Dupn & Crutcher LLP

Stanley J. Gradisar, Esq.

Registration No. 42,598 1801 California St., Suite 4100

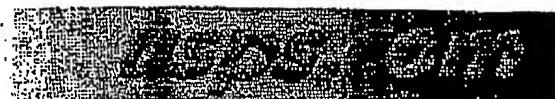
Denver, CO 80202-2641

(303) 298-5786

Date: December 20, 2001

60077330\_1.DQC





Home | Sign In | Find ZIP Codes | Calculate Postage | Change Address | Locate Post Offices | Track/Co

Introduction
Ship
Rates
Supplies
Web Tools

Shipping center mack & confirm

FTrack & Confirm

Dallvery Confirmation™ Signature Confirmation™

The same

Delivery Status

You entered EF39 7474 852U S

Your Item has arrived at the DENVER, CO 80249 processing center at 8:02 pm on October 31, 2001. Status is updated every evening. Please check again later.

1	
	Enter number from shipping received in a field below:
	(

Keyword/Search

POSTAL INSPECTORS
Preserving the Trust

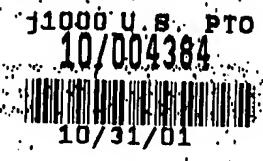
site map | contact us | FAOs | search | keywords

Copyright © 1999-2001 USPS, all rights reserved. Terms of Use Privacy Commitment

FAX RECEIVED

DEC 2 0 2001

PETITIONS OFFICE



J1080 U.B. 570
Date: 10-31-01
Applicant: Synckholm
Serial Ivo.
Title: Justem and Herries 7
Title: Justem and Mextred for Communication Within a Community Within a Community
RECEIPT IS HEREBY ACKNOWLEDGED FOR:
i) Trans form
2) Patent app - Spaces = 89 pp
drawning 2 75 pgs
3) Fee Trans
The Proceeds
4) Non-Pal Request
5) path   Real.
6) Charle 120, 43441
Contraction of the second of t

UEC 2 0 2001 PETITIONS OFFICE





Home | Sign In | Find ZIP Codes | Calculate Postage | Change Address | Locate Post Offices | Track/Confirm

Shipping center
Ship
Rates
Supplies
Web Tools
Shipping Center
Track & Confirm
Shipping Center
Track & Confirm
Track & Confirm
Shipping Center
Track & Confirm
Shipping Center
Track & Confirm
Track & Confirm
Track & Confirm
Shipping Center
Track & Confirm

Track & Confirm

Delivery Confirmation

Signature Confirmation

You entered EF39 7474 852U S

Keyword/Search

Your item arrived at 4:48 pm on December 01, 2001 in SUITLAND, MD 20746. Status is updated every evening. Please check again later.

Here is what happened earlier:

■ ENROUTE, October 31, 2001, 8:02 pm

Enter number from shipping receipt in the field below:

POSTAL INSPECTORS
Preserving the Trust

site map | contact us | FAQs | search | keywords

Copyright @ 1999-2001 USPS. All Rights Reserved. Terms of Use Privacy Policy

FAX RECEIVED

DEC 2 0 2001

PETITIONS OFFICE



Home Index Bearth Eyesem effusioners Howe & Contract Us

## UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED

Office of Patent Legal Administration << Pre-OG Notices << UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED

The tragic events in New York City on September 11, 2001, resulted in all Post Offices in the borough of Manhattan being closed. Currently, only the Church Street Post Office in Manhattan remains closed as a result of the events of September 11, 2001, and all other Post Offices throughout Manhattan are open for business. In addition, all Post Offices throughout the United States should be accepting the deposit of mail for delivery by Express Mail service. Therefore, the

United States Patent and Trademark Office (USPTO) is terminating the postal service interruptions and emergency declared in the Official Gazette Notice entitled "United States Postal Service Interruptions", 1251 Off. Gaz. Pat. Office 55 (October 9, 2001), and posted on the USPTO website.

Any questions regarding this Notice should be directed to Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-8686, for patent-related matters, or Carol Smith by e-mail at carol.smith@uspto.gov or by telephone at 703-308-8910 (ext 149), for trademark-related matters.

Date: 10/26/2001

Signed:/s/

Nicholas P. Godici
Acting Under Secretary of
Commerce for Intellectual
Property and Acting Director of
the United States Patent and
Trademark Office

HOME | INDEX | SEARCH | SYSTEM STATUS | BUSINESS CENTER |
NEWS&NOTICES |
CONTACT US | PRIVACY STATEMENT

Last Modified: 12/19/2001 14:12:05

FAX RECEIVED UEC 2 0 2001

PETITIONS OFFICE



## STATEMENT OF JEAN A. BURNS

I, Jean A Burns, hereby state that on October 31, 2001 I signed the Utility Patent Application Transmittal, regarding delivery by "Express Mail Post Office to Addressee" service, for the above referenced patent application, and placed the patent application filing papers in an Express Mail envelope, having Tracking No. EF39 7474 852US, addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231. This Express Mail envelope was placed in the bin for pick by the USPS outside our offices at 1801 California Street, Suite 4100, Denver, CO 80202, which is our standard business practice.

Signed this 20th day of December, 2001.

Jean A. Burns

60077330\_1.DOC